EXECUTIVE OFFICER'S REPORT

To The

Local Agency Formation Commission

Commissioner David H. West [Public]

Commissioner Jason Jackson [City]

Commissioner Michael W. Kelley [Supervisor] Commissioner Ray Castillo [Supervisor] (Vice- Chair)

Commissioner Maria Nava-Froelich [City] (Chair)

Alternate Commissioner Luis Plancarte [Supervisor] Alternate Commissioner Jim Predmore [City] Alternate Commissioner Ed Snively [Public]

REPORT DATE:November 13, 2018FROM:Jurg Heuberger, Executive OfficerPROJECT:Extension of Sewer Service, Laguna Soleada LLCHEARING DATE:December 13, 2018TIME: 08:30 a.m.AGENDA ITEM NO:5BHEARING LOCATION:El Centro City Council Chambers, 1275 Main St., El Centro, CA 92243

RECOMMENDATION(S) BY THE EXECUTIVE OFFICER (In Summary & Order)

OPTION #1: Informational item only

ANAYLSIS/REPORT

An application for the Extension of Sewer service was received on 07/31/18 by Laguna Soleada LLC. The extension of sewer service is for APN 045-080-022, 1625 East Thiesen Rd., Holtville, CA 92250.	Exhibit A
The City of Holtville authorized the extension of sewer service on August 27, 2018.	
Approvals by the City of Holtville:	
1) Resolution #2018-28, August 27, 2018 approving a sewer agreement for a new service connection.	Exhibit B
2) Agreement for Sewer Service, August 29, 2018	Exhibit C
Under certain conditions and <u>only</u> for specified projects, the Executive Officer through delegation of authority from the Commission has the authority to consider, approve or deny a project. In this case, an extension of sewer service by a city to an entity other than a city within the Sphere of Influence of the city and provided there are twenty or fewer connections.	
After receipt of the approvals from the City, the Executive Officer, on October 16, 2018 authorized the extension of sewer service pursuant to the terms and conditions as stated in LAFCO Resolution #2018-16.	Exhibit D

RECOMMENDATION BY THE EXECUTIVE OFFICER

OPTION #1: This is an informational item only, therefore no action is needed.

EXHIBIT A



JUL **31** 2018

RECEIVED

APPLICATION Cocal Sports County PETITION FOR PROCEEDINGS PURSUANT TO THE CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF 2000

The undersigned hereby petition(s) the Local Agency Formation Commission of Imperial County for approval of a proposed change of organization, and stipulate(s) as follows:

	OWNER INFORMATION						
NAME							
La	guna So	leads			none		
MAILIN	ADDRESS				TELEPHONE NUMB		
1629	625 Thiesen Rd. (760) 550-3720						
CITY, S	STATE, ZIP				EMAIL ADDRESS		_
+101-	tville C	A. 92250			ace. cons-	Inchine	ymail.com
4		APPLICANT INF	ORMAT	ION (IF I	DIFFERENT FROM T	THE OWNER)	1
NAME					COMPANY		
30	me						
MAILIN	IG ADDRESS				TELEPHONE NUMB	ER	
CITY, S	state, Zip				email address		
			PROJEC	T INFOR	MATION	DATE	
NAME	OF PROPOSAL					DATE	
Ext	ension of	Sewer				7.31.1	8
PROJE	CT ADDRESS				APN(S)		
162	1625 Thiesen Rd.045.080.0220CITY, STATE ZIPTOTAL LAND AREA (ACRES)						
CITY,	STATE, ZIP					A (ACRES)	
Hal	Holtville, Ca 92250 4.94						
	S PROPOSAL IS	MADE PURSUANT TO C Iese-knox-hertzberg	ALIFORNIA LOCAL GO	A GOVERN OVERNMEN	MENT CODE (COM NT REORGANIZATI	MENCING WII ION ACT OF 20	TH SECTION 56000, 2000).
	PROPOSED CH	ANGE(S) OF ORGANIZATIC	N:				
1		ANNEXATION		SPHERE	of influence		OTHER
		DETACHMENT		CONSO	LIDATION		EXTENSION OF SERVICES
		INCORPORATION		FORMA	TION OF		
	NAME OF THE	CITY/SPECIAL DISTRICT BE	ING AFFEC	red			
2	Holti	11e cA. 922	50				
3	THE PROPOSEI EXHIBIT(S) ATT	d Boundaries of the Ached Hereto and by T	TERRITOR This refere	y(ies) inci Ence inco	LUDED IN THE PRO RPORATED HEREIN.	OPOSAL ARE A	AS DESCRIBED IN THE
		yes, boundary exhie	BITS ARE AT	TACHED			
-				DACE LOF 6			

IMPERIAL LOCAL AGENCY FORMATION COMMISSION (LAFCO) + JURG HEUBERGER, AICP, CEP, EXECUTIVE OFFICER 1122 STATE STREET, SUITE D + EL CENTRO, CA 922 B + PHONE (760) 353 HIS + WWW.ICLAECO.COM

4	PLEASE LIST ANY OTHER DOCUMENTS BEING SUBMITTED WITH THE APPLICATION (EXCEPT THOSE ALREADY REQUIRED BY LAFCC).
5	THE TERRITORY(IES) INCLUDED IN THE PROPOSAL IS/ARE:
6	CURRENTLY, THE TERRITORY(IES) INCLUDED IN THE PROPOSAL IS/ARE: DEVELOPED UNDEVELOPED
7	IS THIS PROPOSAL CONSISTENT WITH THE SPHERE OF INFLUENCE VES OF THE AFFECTED CITY AND/OR DISTRICT? VES
8	PLEASE DESCRIBE IN DETAIL, THE REASONS FOR THE PROPOSED CHANGE OF ORGANIZATION (ANNEXATION, DETACHMENT, ETC.). USE ATTACHED SHEET IF NECESSARY.
9	THE PROPOSED CHANGE OF ORGANIZATION IS REQUESTED, SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:
10	WOULD THIS PROPOSAL CREATE AN ISLAND OF UNINCORPORATED TERRITORY?
11	IS THERE A GOOD LIKELIHOOD OF A SIGNIFICANT INCREASE IN POPULATION IN THE SUBJECT AREA WITHIN THE NEXT TEN YEARS? IN UNINCORPORATED AREAS? IN INCORPORATED AREAS? ESTIMATED ADDITIONAL POPULATION:
12	WHAT IS THE EXISTING ZONING?
ß	HAS OR IS THE AREA BEEN/BEING PRE-ZONED?

PAGE 2 OF 6 IMPERIAL LOCAL AGENCY FORMATION COMMISSION (LAFCO) • JURG HEUBERGER, AICP, CEP, EXECUTIVE OFFICER H22 STATE STREET, SUITE D • EL CENTRO, CA. 922+8 • PHONE (760) 353 +H5 • WWW.ICLAFCO.COM

14	WHAT IS THE PLANNED GENERAL PLAN DESIGNATION OF THE AREA BY THE AFFECTED CITY?	
15	DESCRIBE ANY SPECIAL LAND ISE CONCERNS EXPRESSED IN THE ABOVE PLANS.	
16	specify any and all existing land uses.	
	WHAT ARE THE PROPOSED LAND USES? DESCRIBE YOUR PROJECT IN DETAIL:	
17	DOES THE APPLICATION CONTAIN 100% WRITTEN CONSENT OF EACH N YE PROPERTY OWNER IN THE SUBJECT TERRITORY?	
18	WILL THE ANNEXED TERRITORY BE LIABLE FOR IT'S SHARE OF EXISTING PROVIDED INDEBTEDNESS?	
19	WILL THE ANNEXED TERRITORY BE INCLUDED WITHIN ANY PARTICULAR TAX DIVISION OR ZONE OF TERRITORY? PLEASE SPECIFY.	THE ANNEXING
20	IF THE PROPOSAL INCLUDES THE CONSOLIDATION OF SPECIAL DISTRICTS, THE PROPOSED CONSOLIDATED DISTRICT IS:	NAME OF THE
21	IF AN INCORPORATION IS INCLUDED IN THE PROPOSAL: (A) THE NAME PROPOSED FOR THE NEW CITY IS:	3
	(B) PROVISIONS ARE REQUESTED FOR APPOINTMENT OF: (I) CITY MANAGER (II) THE CITY CLERK AND CITY TREASURER (II) THE CITY CLERK AND CITY TREASURER	

PAGE 3 QF 6 IMPERIAL LOCAL AGENCY FORMATION COMMISSION (LAFCO) + JURG HEUBERGER, AICP, CEP, EXECUTIVE OFFICER 1122 5 FATE STREET, SUITE D + EL GENTRO, CA 922+3 + PHONE (760) 353 HIS + WWWICLAFCO.COM

2

22	IF THE FORMATION OF A NEW DISTRICT(S) IS INCLUDED IN THE PROPOSAL: (A) THE PRINCIPAL ACT(S) UNDER WHICH SAID DISTRICT(S) IS/ARE PROPOSED TO BE FORMED IS/ARE
	(B) THE PROPOSED NAME(S) OF THE NEW DISTRICT(S) IS/ARE:
	(C) THE BOUNDARIES OF THE PROPOSED NEW DISTRICT(S) ARE AS DESCRIBED IN EXHIBITS
23	THE PERSON(S) SIGNING THIS PETITION HAVE SIGNED AS:
24	AS REQUIRED, THE FOLLOWING ITEMS ARE ENCLOSED WITH THIS APPLICATION:

Applicant signature

7/31/18 DATE

Please complete the names and addresses of additional persons (not including the owner/applicant previously listed at the beginning of the application) who are requesting to have furnished copies of the agenda and Executive Officer's Report and/or mailed notices of the hearing of this proposal. Please attach additional pages if necessary.

PERSON 1	REQUESTS:	AGENDA COPIES	
NAME		HEARING PACKAGE HARD CO HEARING PACKAGE HARD CO	DPY DE HEARING PACKAGE ON CD
MAILING ADDRESS			T'ELEPI IONE NUMBER
CITY, STATE, ZIP			EMAIL ADDRESS
PERSON 2	REQUESTS:	AGENDA COPIES	

PERSON 2	REQUESTS:	🗖 AGENDA COPIES	PUBLIC NOTICE OF HEARING
		HEARING PACKAGE HARD C	OPY 🗖 HEARING PACKAGE ON CD
NAME			COMPANY
MAILING ADDRESS			T'ELEPHONE NUMBER
CITY, STATE, ZIP			email address



RECEIVED JUL 31 2018 Imperial County Local Agency Tormation Commission

INDEMNIFICATION AGREEMENT

As part of this application, applicant and real party in interest, if different, agree to defend, indemnify, hold harmless, and release the Imperial County Local Agency Formation Commission, its agents, officers, attorneys, and employees (including consultants) from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent negligence on the part of the Imperial County Local Agency Formation Commission, its agents, officers, attorneys, or employees (including consultants).

If any claim, action, or proceeding is brought against Imperial County Local Agency Formation Commission, its agents, officers, attorneys, or employees, to attack, set aside, void, or annul the approval of the application or adoption of the environmental document which accompanies it, then the following procedures shall apply:

- 1. The Executive Officer shall promptly notify the Commission of any claim, action or proceeding brought by an applicant challenging the Commission's action. The Commission, its agents, attorneys and employees (including consultants) shall fully cooperate in the defense of that action.
- 2. The Commission shall have final determination on how to best defend the case and may defend it with inhouse counsel, or by retaining outside counsel. In either case applicant shall be fully responsible for all costs incurred. Applicant may request to provide his or her own counsel to defend the case, however prior written approval of the Commission shall be obtained. Said independent counsel shall work with LAFCO counsel to provide a joint defense and shall include a complete defense of LAFCO to the satisfaction of the Commission.

EXECUTED IN El Centro CALL	FORNIA ON Joly 31, 20 18
APPLICANT	REAL PARTY IN INTEREST / PROPERTY OWNER (IF DIFFERENT FROM APPLICAN'I)
NAME (PRINT): Eulalia Agrees Manles	NAME (PRINT):
TITLE mar	TITLE
SIGNATURE: Selatin agent Manh	SIGNATURE:
MAILING ADDRESS:	MAILING ADDRESS:
1625 Thiesen Rel. Holfville	
(A. 92250	
FOR LAFCO	D USE ONLY
RECEIVED BY: Paula Graf	DATE RECEIVED:
PROJECT NO. HN 1.18	
	JHIDEBIS3LAFCOIForms12014 Forms1Indemnification Agreement.doc Updated 06/30/201
	LAFCO) Identification of the second state of

NOTICE:

Prior to the effective date of any jurisdictional change (i.e. annexation, detachment, etc.) the governing bodies of all agencies whose service areas or service responsibilities would be altered by such change shall meet to determine the amount of property tax revenues to be exchanged between and among such affected agencies. Notwithstanding any other provisions of law, no such jurisdictional change shall become effective until each county and city included in such negotiation agrees, <u>BY RESOLUTION</u>, to accept the negotiated exchange of property tax revenues.

NOTE:

The resolutions referred to above shall be attached to this application prior to filing with the Local Agency Formation Commission. The Executive Officer of the Local Agency Formation Commission shall not issue a Certificate of Completion (COC) until such resolution is filed with LAFCO.

Wherefore, petitioner(s) request(s) that proceedings be taken in accordance with the provisions of Section 56000, et seq. of the Government Code and herewith affix signature(s) as follows:

Chief Petitioners (not to exceed three):

Manuel Ga

Eulolin at

SIGNAT'URE

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7131	10	
DATE		

esen Rd. + bitville es 12050 ESIDENCE ADDRESS

PRINT NAME

DATE

SIGNATURE

RESIDENCE ADDRESS

PRINT NAME

DATE

SIGNATURE

RESIDENCE ADDRESS

EXHIBIT B

RESOLUTION NO. 18-28

A RESOLUTION OF THE HOLTVILLE CITY COUNCIL APPROVING A SEWER AGREEMENT FOR A NEW SERVICE CONNECTION AT 1625 EAST THIESEN ROAD AND WITHIN THE SERVICE AREA

WHEREAS, the City of Holtville Wastewater Outfall Main Pipeline Collection System Project has been fully constructed; and

WHEREAS, the project involved the construction of a sanitary sewer outfall main for the purpose of collecting wastewater from urbanized areas and out to the Holtville Wastewater Treatment Plant; and

WHEREAS, a number of rural residences were located along the constructed 3.2 miles of a Main Sanitary Sewer Collection Pipeline; and

WHEREAS, for the following property owner located outside of the City limits, adjacent to the project area and within the adopted sphere of influence, has requested Sewer Services from the City of Holtville:

Laguna Soleada, LLC APN: 045-080-022 Address: 1625 East Thiesen Road

WHEREAS, the City has received a copy of an application to LAFCO from the property owner requesting the extension of services; and

WHEREAS, the Holtville City Council has received all applicable connection fees and sewer development impact fees and wishes to approve the extension of sewer services; and

NOW THEREFORE LET IT BE RESOLVED, that the City Council of the City of Holtville agrees to provide services to the subject property and authorizes the City Mayor to execute said Service Agreement attached hereto as **Exhibit A** and to submit the authorization to LAFCO.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Holtville conducted on the 27th day of August 2018 by the following vote:

David Bradshaw, Mayor Pro Tem City of Holtville

I. Nicholas D. Wells, City Manager of the City of Holtville, DO HEREBY CERTIFY that the foregoing resolution was duly passed, approved, and adopted by the City Council of said City of Holtville at a regular meeting thereof held on the 27th day of August 2018, and that the same was approved by the Mayor of said City of Holtville on said date, and that the same was adopted by the following roll call vote:

AYES: NOES: ABSTAIN: ABSENT:

ATTEST:

Nicholas D. Wells, City Manager City of Holtville

CERTIFIED TO BE A TRUE COPY

EXHIBIT C

AND WHEN RECORDED MAIL TO:

CITY OF HOLTVILLE ATTN: SANDRA MANDUJANO 121 WEST 5TH STREET HOLTVILLE, CA 92250

THIS SPACE RESERVED FOR RECORDER ONLY GOV. CODE 27361.6

AGREEMENT FOR SEWER SERVICE

This agreement, made and entered into between the City of Holtville, a municipal corporation, hereinafter referred to as "City" and **Laguna Soleada LLC.** hereinafter referred to as "consumer".

WITNESSETH:

WHEREAS, consumer is the owner of certain real property outside the city limits of the City of Holtville; and

WHEREAS, consumer is desirous of connecting to City's existing sewer lines for the purpose of discharging sewerage waste into City's sewerage system, and

WHEREAS, City is agreeable to permit consumer to hook up to consumer's real property, as more particularly described below, upon certain conditions.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions herein, City and consumer agree as follows:

1. City hereby grants to consumer permission to connect with existing sewer system of the City, the property of consumer in the County of Imperial, States of California, more particularly described as follows:

PARCEL No. 045-080-022

1625 E. Thiesen Road, Holtville, CA 92250 LEGAL DESCRIPTION: N1/2 LOT 20 ALAMO TRACT 4.94 AC

- 2. Consumer agrees to be bound by all Ordinances, rules and regulations of the City pertaining to sewer service, and to pay such rates for said service as the City Council of the City may fix by Ordinance, resolution of motion duly adopted.
- 3. The parties agree that City will not lay any additional sewer lines to enable consumer to connect with the existing sewer system of the City, and that consumer will, at his own expense, lay such sewer lines as may be required to extend existing sewer lines to the property of consumer. Consumer agrees that all material and labor for laying any such sewer lines shall be at the expense of consumer and that such lines must be properly constructed to City specifications

in a good and workmanlike manner and meet the reasonable satisfactions of the building Public Works Director of the City.

4. Consumer agrees to pay a connection fee as set forth by resolution of the City Council

5. This agreement authorizes sewer service for that portion of the above described property which is actually owned and in the possession of consumer, and in the event the whole or any portion of said property is sold, transferred, conveyed or occupied by any party and/or parties other than consumer, this agreement shall terminate as to the portion transferred and, said party and/or parties must apply to the city for a permit, pay the permit for sewer service. It is agreed that non-compliance with this paragraph by consumer, or any person holding under or through consumer or a grantee of consumer, will justify the City in immediately terminating consumer's sewer service.

Consumer agrees that the furnishing of sewer service by the City is subject to the provisions of City Ordinance No. 370, a copy of which is on file with the City Clerk of City and incorporated by reference herein to the same effect as if fully set out succeeding ordinances and amendments. The provisions regarding "permit for construction", "inspection", "approval", and "final connection by City" of said ordinance are specifically applicable to this agreement.

6. By the execution of this agreement consumer hereby gives his/her irrevocable consent to the annexation of the real property described herein to the City of Holtville, when at such time the City Council of City determines it would be in the best interest of City to annex said property.

7. The parties agree that this agreement shall be recorded in the official records of the Imperial County Recorder's property described above shall have notice of the re-application provisions contained in paragraph five (5) above.

In witness whereof, the parties hereto set their hand this 27^{++} day of August 2018

CITY OF HOLTVILLE

APPROVED AS TO FORM:

CITY OF HOLTVILLE By Red Kichard Mayor/Mayor ProTem Kanza Qity Clerk Kanza Preciado

Consumer Laguna Solea

Consumer

ACKNOWLEDGMENT
A notary public or other officer completing this
certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or
validity of that document.
State of California County of Imperial)
On October 8, 2018 before me, Haley Dowsey, Notary Public (insert name and title of the officer)
personally appearedRichard Layton
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.
WITNESS my hand and official seal.
Signature Sheley Courses (Seal)

ACKNOWLEDGMENT A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document. State of California County of ______ 7-31-2013 the Claudia On before me/ (insert name and title of the officer) personally appeared Oulaled who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. MARTHA CLAUDIA CUEVAS Notary Public - California WITNESS my hand and official seal. Imperial County Commission # 2159208 My Comm. Expires Aug 1, 2020 Signature And (Seal)

EXHIBIT D

RESOLUTION #2018-16

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF IMPERIAL MAKING A DETERMINATION ON THE EXTENSION OF SEWER SERVICE FROM THE CITY OF HOLTVILLE, ENTITLED HV 1-18 (LAGUNA SOLEADA LLC) APN #064-080-022, 1625 E. THEISEN RD., HOLTVILLE, CA 92250

WHEREAS, the Executive Officer conducted a full evaluation on the above referenced project; and

WHEREAS, the Executive Officer has been delegated the authority by the Commission to review and approve this type of project; and

WHEREAS, a proposal to extend sewer service on property located outside of the City of Holtville in the County of Imperial was filed with this Commission and the Executive Officer of this Commission pursuant to Title 5, Division 3, commencing with Section 56133 of the Government Code determined the application complete; and,

WHEREAS, the Executive Officer of LAFCO has reviewed said request; and

WHEREAS, it has been determined that the owners of land within the proposed extension of sewer service have been made aware of the extension by mail and have concurred with the proposed water service; and

WHEREAS, the City of Holtville approved the extension of sewer services on August 27, 2018, City Resolution #18-28.

BE IT FURTHER DETERMINED that the Local Agency Formation Commission by decision of the Executive Officer does find the conditions as follows:

- a) Authorize the City of Holtville to extend sewer service to the proposed site and only the proposed site.
- b) The extension of service for sewer is limited to provide service only to the proposed project and no other in line connections are approved for this service line at this time.
- c) The applicant/city shall provide to LAFCO the following items in order to complete the processing of the extension.
 - 1. Recorded Sewer Service agreement between Laguna Soleada LLC and the City of Holtville.
 - 2. Documentation to show that sewer service can and will be available only to the parcel of land identified herein.
 - 3. Letter from Applicant to confirm that applicant understands that the authorization by LAFCO is only for the parcel of land specified in this application and no open lands or other uses. (Assessor's Parcel Number 045-080-022)

Approved by the Executive Officer:

Dated 10-16-18-

Jurg Heuberger Executive Officer to LAFCO